

Message Text

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PAGE 01 BONN 11312 081013Z

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 CAB-02 CIAE-00 COME-00
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FM AMEMBASSY BONN

TO SECSTATE WASHDC 9655

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E.O. 11652: N/A

TAGS: EAIR, GW, US

SUBJ: CIVAIR: PAN AM IGS CLAIM

REF: BONN 09650

1. IN THE CASE OF N-U-R (NECKERMANN TRAVEL AGENCY)
VERSUS THE FEDERAL REPUBLIC OF GERMANY, THE SUPREME
FEDERAL COURT (BUNDESGERICHTSHOF) RULED ON JUNE 16
THAT THE FRG IS LIABLE FOR DAMAGES SUFFERED BY N-U-R
AS RESULT OF THE GERMAN ATC SLOW-GO IN 1973.
IN A FRONT-PAGE ARTICLE OF ITS JULY 7 ISSUE, "HANDELS-
BLATT" REPORTS AND COMMENTS ON THIS COURT ACTION EVEN
THOUGH A WRITTEN VERSION OF THE COURT'S RULING AND
ITS LEGAL JUSTIFICATION ARE NOT YET AVAILABLE.

2. IN AN ATTEMPT TO VERIFY SOME OF THE INFORMATION,
AN EMBASSY REP CONTACTED THE SENIOR LEGAL
OFFICER OF THE AVIATION DEPARTMENT, FEDERAL MINISTRY
OF TRANSPORT (FMT). HE WAS VERY CAUTIONS AND
EMPHASIZED THAT THE MINISTRY'S LEGAL DEPARTMENT
HAD NOT BEEN ABLE TO RECEIVE A COPY OF THE DOCUMENT
SO FAR. HE EXPLAINED, HOWEVER, THAT THREE
CLASS ACTIONS WERE INVOLVED IN THE SETTLEMENT OF
CLAIMS ARISING OUT OF THE 1973 ATC SLOW-GO, THE
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FIRST BEING THE NUR TOUR OPERATOR'S CASE, WITH THE
AIRLINES CASE REPRESENTED BY THE DANISH CIMBER AIR
AND THAT OF THE AIRPORT OPERATORS STILL PENDING AT
LOWER COURT LEVELS. HE APPRECIATED THE EMBASSY'S
CONCERN IN THE MATTER AS RELATED TO THE PAN AMERICAN
CLAIM AND ADDED THAT HE WOULD BE QUITE WILLING TO
DISCUSS THE PRINCIPAL ASPECTS OF THE N-U-R RULING

WITH THE EMBASSY AS SOON AS THE FMT HAS RECEIVED
AND STUDIED THE COURT DOCUMENT. HOWEVER, IN VIEW
OF THE COMPLEXITY OF THE LEGAL MATERIAL INVOLVING
PROVISIONS OF THE BASIC LAW (GRUNDGESETZ) AS WELL
AS THE CODE CIVIL (BUERGERLICHES GESETZBUCH-BGB),
THE LAWYER ESTIMATED THAT THIS WOULD TAKE SEVERAL
WEEKS.

3. THE EMBASSY WILL KEEP IN CLOSE TOUCH AND
REPORT FURTHER DEVELOPMENTS AS THEY BECOME
AVAILABLE.
STOESSEL

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NNN

Message Attributes

Automatic Decaptioning: X
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Decaption Date: 01-Jan-1960 12:00:00 am
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
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